

# **HOUSE . . . . . No. 1316**

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By Ms. Balser of Newton, petition of Ruth B. Balser for legislation to establish a system of uniform enforcement of foreign judgments. The Judiciary.

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## **The Commonwealth of Massachusetts**

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In the Year Two Thousand and Seven.

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### **AN ACT TO ESTABLISH THE UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     Chapter 218 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following new section:—  
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3     4A. Uniform enforcement of foreign judgments.  
4  
5     1.) Definitions.  
6     The following words, as used in this chapter, unless the text otherwise requires or a different meaning is specifically required shall  
7     mean:—  
8  
9     (a) “Foreign judgment” means any judgment, decree, or order of a  
10 court of the United States or of any other court which is entitled to  
11 full faith and credit in this Commonwealth.  
12  
13    (b) “District Court” means any division of the District Court  
14 Department of the Trial Court and the Boston Municipal Court  
15  
16    (c) “Judgment creditor” means the owner of an unsatisfied judgment.  
17  
18    (d) “Judgment debtor” means a person against whom a judgment has entered which remains unsatisfied.  
19  
20    2.) Filing and Status of Foreign Judgments.  
21    A copy of any foreign judgment authenticated in accordance with  
22 the act of Congress or the statutes of this Commonwealth may be  
23 filed by a judgment creditor in the office of the Clerk of the District  
24 Court in which the judgment debtor resides or, if the judgment debtor is not a natural person, has a usual place of business, at the

25 time of the filing. The Clerk shall treat the foreign judgment in the  
26 same manner as a judgment of the District Court of this Common-  
27 wealth. A judgment so filed has the same effect and is subject to the  
28 same procedures, defenses and proceedings for reopening, vacating,  
29 or staying as a judgment of a District Court of this Commonwealth  
30 and may be enforced or satisfied in like manner.

31       3.) Notice of Filing.

32       (a) At the time of the filing of the foreign judgment, the judgment  
33 creditor or his lawyer shall make and file with the Clerk of the Dis-  
34 trict Court an affidavit setting forth the name and last known post  
35 office address of the judgment debtor, and the judgment creditor.

36       (b) Promptly upon the filing of the foreign judgment and the affi-  
37 davit, the Clerk shall mail notice of the filing of the foreign judg-  
38 ment to the judgment debtor at the address given and shall make a  
39 note of the mailing in the docket. The notice shall include the name  
40 and post office address of the judgment creditor and the judgment  
41 creditor's lawyer, if any, in this state. In addition, the judgment cred-  
42 itor may mail a notice of the filing of the judgment to the judgment  
43 debtor and may file proof of mailing with the Clerk. Lack of mailing  
44 notice of filing by the Clerk shall not affect the enforcement pro-  
45 ceedings if proof of mailing by the judgment creditor has been filed.

46       (c) No execution or other process for enforcement of a foreign  
47 judgment filed hereunder shall issue until thirty days after the date  
48 the judgment is filed.

49       4.) Stay.

50       (a) If the judgment debtor shows the District Court that an appeal  
51 from the foreign judgment is pending or will be taken, or that a stay  
52 of execution has been granted, the court shall stay enforcement of  
53 the foreign judgment until the appeal is concluded, the time for  
54 appeal expires, or the stay of execution expires or is vacated, upon  
55 proof that the judgment debtor has furnished the security for the sat-  
56 isfaction of the judgment required by the state in which it was ren-  
57 dered.

58       (b) If the judgment debtor shows the District Court any ground  
59 upon which enforcement of a judgment of any District Court of this  
60 Commonwealth would be stayed, the court shall stay enforcement of  
61 the foreign judgment for an appropriate period, upon requiring the  
62 same security for satisfaction of the judgment which is required in  
63 this Commonwealth.

64     5.) Fees.

65     Any person filing a foreign judgment shall pay to the Clerk of the  
66 District Court the fee required for the entry of a complaint as set  
67 forth in Sections 2 and 4C of Chapter 262. Fees for docketing, tran-  
68 scription or other enforcement proceedings shall be as provided for  
69 judgments of the District Court.

70     6.) Optional Procedure.

71     The right of a judgment creditor to bring an action to enforce his  
72 judgment instead of proceeding under this Act remains unimpaired.

73     7.) Uniformity of Interpretation.

74     This Act shall be so interpreted and construed as to effectuate its  
75 general purpose to make uniform the law of those states which enact  
76 it.

77     8. Short Title.

78     This Act may be cited as the Massachusetts Uniform Enforcement  
79 of Foreign Judgments Act.